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EXHIBIT

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SB 306

Testimony of
Eve Malo
on behalf of
Amnesty International
&
Murder Victims' Families for Reconciliation

SB 306

An Act Abolishing the Death Penalty and Replacing it with Life Imprisonment
without Possibility of Release

House Judiciary Committee Hearing

March 9, 2007

My name is Eve Malo, from Dillon, Montana. I am representing Amnesty International because of my life long commitment to human rights and I represent Murder Victims Families for Reconciliation because my family was deeply affected by my uncle killing my grandmother. Our family suffered from being the family of the victim and the family of the murderer.

I want to talk about healing for families after a murder has taken place. It is absolutely vital that the victim's friends and family have the supports to heal. However, this is delayed for a variety of reasons:

1, our society and the prosecution often persuade this family that they will feel better after a death sentence is given. But rarely does this happen because over the time between the sentence and the carrying out of the sentence the family is re-victimized at each hearing, at each appeal. The rage continues for years. It is too dangerous to cut the appeals any further because of the 123 death sentence exonerations because the person convicted was found to be not guilty.

2, because the family and friends are waiting for the sentence to be carried out they are not working on the healing process— They have been convinced that “closure” will occur after the execution. Closure is not what we want, there is no such thing as closure. Closure is a myth. We want to find ways to honor the person whose life was taken. We want to remember them on our anniversaries, celebrations, family gatherings and daily. What we do want is to heal by finding ways to honor our loved one.

3, ultimately we find that our loved one is not honored by yet another death. Our pain is not reduced, and the healing process has been delayed too long.

Now let's look at what happens to the family and friends of the condemned. We are often called “shadow victims” or “shadow families” because of what happens to our families. We are ostracized by our communities. I define community as any group of people, church, work, family, school, organization etc. Too often the “shadow victims” lose their

jobs or because they are so marginalized at work they quit. We are made to feel guilty for loving our child, our parent, our sibling and in my case my uncle. It is devastating for a mother or a child to bear the burden of knowing their loved one did something very terrible. There is a generational process which takes place. The children and grandchildren are often affected. There are inestimable social costs to communities as I defined before.

Now I want to talk about what happens if other sentences are considered. In Montana we do have the option of Life in Prison without parole which as Mr. Hilton described is a very harsh punishment. The victim's family is able to start the healing process immediately. Of course there is rage, it would be unnatural if there was not this fury. If we don't want fury to eat our spirits and our health we have to work on healing. The sooner the better!

With life in prison without parole the "shadow victims" can continue with the relationship with their loved one. Children know their parent still loves them. Siblings can cherish the good memories. They can continue with their life and that continued relationship can help with the healing from the sorrow at the offense.

Let me tell you about an incident I experienced. After the killing of my grandmother we moved from the community only to return six years later. In school one of the children started taunting me, "Your uncle's a jail bird" and soon the rest of the children were jeering. Now mind you this was after not being in the town for six years and from a child who could not have had anything to do with our trauma. The difference for me from the children of those on death row, I was able to develop a wonderful relationship with my uncle. Because of family support, though I remember this incident, as well as other incidents, I was not traumatized.

One way we in Montana are helping families of murder to heal is through Victim/Offender dialogue, a bringing together a family member or members of the victim of the murder together with the perpetrator to dialogue about the circumstance of the death. It is a powerful approach to healing. I see this also as a viable way of helping the shadow family. A healing of not just families but a healing of communities.

Creating More Victims Larry Cox Executive Director of Amnesty International USA

The cruelty of the death penalty is not confined to the prisoner whose life is toyed with in the name of justice. Families of the condemned are also ensnared in the cycle of hope and despair that this degrading punishment inevitably breeds. The mistakes and inequities of the capital justice system are perpetuated not only on the defendants, but also their relatives. And in the end, for not measurable benefit, all the state achieves by an execution is one more dead body and more grieving family members.

Testimonials from "shadow families"

Irene Cartwright's son, Richard Cartwright, was executed in Texas in 2005. Richard's daughter Ricki was born a couple of months before Richard was sentenced, and was eight years old when he was executed. One of the hardest things I've had to do was pick Ricki up from school for her last visit with her father before he was killed."

Robert Meeropol's parents, Ethel and Julius Rosenberg, were executed in New York (by the Federal Government in 1953). "I was 3 when my parents were arrested and 6 when they were executed. My earliest distinct memories of my parents are of visiting them on death row. Clearly, I didn't understand what was going on, but I had a sense that "they" were very powerful, and "they" were attacking "us." Of course I didn't know exactly who "they" and "we" were. So I had a generalized sense of anxiety, an incomprehensible sword of Democles hanging over me. I was frightened, angry, and grew up with a suppressed need to attack those who had attacked my family. I survived because a supportive community surrounded me, but what about other children who do not have such a support system?"

Melanie Hebert's uncle, Spencer Goodman, was executed in Texas in 2000. "I vividly remember when Spencer was sentenced to death. It was my Dad's birthday and we were all gathered at my parents' house when we heard it announced on the news. I had a physical reaction; I just felt so sick..."

Bill Babbitt's brother Manny Babbitt, was executed in California in 1999. "The police promised me that my brother would get the help he needed. After they arrested Manny, an officer said to him, "You're not going to go to the gas chamber or anything like that." I believed that. My mother believed it. We never really thought he would be executed, right up until the last half hour when I watched my brother be put to death at San Quentin. For the rest of my life I have to live with the fact that I turned my mentally ill brother in and that led to his death."

The Robinson's have a similar story to tell. They had sought help for their son Larry, who had been diagnosed as a paranoid schizophrenic at the age of 21. He was routinely dismissed from hospitals after 30 day stays because he was not violent and they needed the bed. His only ever act of violence was to kill five people. In spite of his diagnosis and history of hospitalization he was judged sane. He was executed in 2000.